

UNITED STATES DISTRICT COURT

2025 FEB 13 PM 11:45 MDGA-COL

for the

Middle District of Georgia

Columbus Division

Case No.

4:25-cv-89 (CDL)

(to be filled in by the Clerk's Office)

Kenya M. Spencer

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Lloyd J. Austin 111, Pete Hegseth, Secretary
Department of Defense (Defense Health Agency)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kenya M. Spencer
Street Address	932 Sun Wood Drive
City and County	Smith Station,
State and Zip Code	Alabama, 36877
Telephone Number	315-778-8714
E-mail Address	dstfa981@aol.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Lloyd J.Austin 111,
Job or Title (<i>if known</i>)	Secretary of Defense
Street Address	1000 Defense Pentagon
City and County	Washington D C
State and Zip Code	Washington D C 20301-1000
Telephone Number	7035456700
E-mail Address (<i>if known</i>)	pentagon.hqda.mbx.ask-the-army@mail.mil

Defendant No. 2

Name	Pete Hegseth
Job or Title (<i>if known</i>)	Secretary of Defense
Street Address	1000 Defense Pentagon
City and County	Washington D C
State and Zip Code	Washington D C 20301-1000
Telephone Number	7035456700
E-mail Address (<i>if known</i>)	pentagon.hqda.mbx.ask-the-army@mail.mil

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Martin Army Community Hospital
Street Address	6600 van Aalst Boulevard
City and County	Fort Benning,
State and Zip Code	GA 31805
Telephone Number	7624082273

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (*specify the federal law*):

Family Medical leave ACT

Relevant state law (*specify, if known*):

Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- Failure to hire me.
- Termination of my employment.
- Failure to promote me.
- Failure to accommodate my disability.
- Unequal terms and conditions of my employment.
- Retaliation.
- Other acts (specify): Harassment and Subjected Hostile Envirnmrnt

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

**B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
July 13 2020-October 27, 2020 and to present****C. I believe that defendant(s) (check one):**

- is/are still committing these acts against me.
- is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

<input checked="" type="checkbox"/>	race	<u>Black</u>
<input checked="" type="checkbox"/>	color	<u>Dark Skin</u>
<input checked="" type="checkbox"/>	gender/sex	<u>Female</u>
<input type="checkbox"/>	religion	<u></u>
<input type="checkbox"/>	national origin	<u></u>
<input checked="" type="checkbox"/>	age (year of birth)	<u>1969</u> <i>(only when asserting a claim of age discrimination.)</i>
<input checked="" type="checkbox"/>	disability or perceived disability (specify disability)	<u>Anxiety, Depression, Pains, Asthma, Chronic Sinusitis, Chronic Allergic Rhinitis, Atopic Dermatitis</u>

E. The facts of my case are as follows. Attach additional pages if needed.

Statement of claims in this above captioned case from the Plaintiff Kenya M Spencer.

I was discriminated against on the basis of race (Black), color (Dark skin), sex (female), age (YOB: 1969), disability (mental and physical) and reprisal (ARBENNING20MAR00786 and ARBENNING20JUN02001), and subjected to harassment (non-sexual) when: 1. On or about 27 October 2020 to 28 October 2020, MAJ Jessica Aguilar (former second line supervisor), CPT Nicholas Lawson (second line supervisor), and Hannah Pye (first line supervisor) sent me harassing text messages while you were on sick leave; 2. On 14 October 2020, Robert Carter (nurse practitioner) harassed you when he asked why were at the hospital on 10 October 2020 (during your suspension), in the presence of another employee, to include MAJ Jessica Aguilar; 3. On 13 October 2020, MAJ Jessica Aguilar (former second line supervisor), upon return to work from your suspension, presented you with an email with her signature "courtesy copy due to full mailbox" which contained a list of tasks; 4. On or about 28 September 2020 to Present, Hannah Pye was hired to perform the same duties as you, treated more favorably, and encouraged to send harassing and intimidating and scrutinizing emails on a daily basis; 5. On or about 27 July 2020 to Present, MAJ Jessica Aguilar (former second line supervisor) treats you as an infidel, and ignorant by stating and restating policies via email and text messages that you have clear knowledge of; 6. On or about 24 April 2020 to 30 October 2020, CPT Mallory Reeves (former first line supervisor), MAJ Jessica Aguilar (former second line supervisor), CPT Nicholas Lawson (second line supervisor), and Hannah Pye (first line supervisor) sent you bullying, harassing, and intimidating text messages while you were on sick leave; 7. On or about 14 August 2020 to 28 October 2020, MAJ Jessica Aguilar (former second line supervisor) singled you out in front of everyone, and did not provide the same opportunities for training and Telework from home that was provided to others; 8. On or about 14 August 2020 to 28 October 2020, MAJ Jessica Aguilar (former second line supervisor) continuously denied you overtime to complete your duties; 9. On or about 14 August 2020 to 28 October 2020, MAJ Jessica Aguilar (former second line supervisor) denied sick leave for medical appointments and charged you as AWOL; and sent harassing and intimidating text messages day of medical appointments; 10. On or about 29 July 2020 to 28 October 2020, MAJ Jessica Aguilar (former second line supervisor) continually screamed at me, sent harassing emails, assigned unrealistic duties and addressed you in an unprofessional manner; 11. On or about 13 July 2020 to 28 October 2020, CPT Mallory Reeves (former first line supervisor), and MAJ Jessica Aguilar (former second line supervisor) made false statements and told fabrications about you in a continual effort to humiliate you and defame your character; 12. On 25 September 2020, MAJ Jessica Aguilar (former second line supervisor), lied to the Chief of the Regional Command Atlantic about my length of time out of work in an effort to have you replaced by Hannah Pye and that she be trained to perform my duties; 13. On 25 September 2020, MAJ Brian Keene (third line supervisor) suspended me for 14-days without pay 28 September 2020 to 12 October 2020; 14. On 18 September 2020, MAJ Jessica Aguilar (former second line supervisor) issued me a counseling statement for unrealistic deadlines; 15. On 17 September 2020, MAJ Jessica Aguilar (former second line supervisor), was stalking me, and following me around and through the hospital, creating a hostile environment where I have begun to fear for my safety; 16. On 16 September 2020, MAJ Jessica Aguilar (former second line supervisor) intentionally held me hostage in my office, refusing to let me leave in response to the "59" minutes that was granted for potential inclement weather; 17. On 3 September 2020, MAJ Jessica Aguilar (former second line supervisor) denied me '59" minutes that others were given; and I received a

Memorandum for Record for my responses to the proposed suspension; 18. On 31 August 2020, MAJ Jessica Aguilar (former second line supervisor) emailed me instructions to change time from FMLA to AWOL, harassing and intimidating me stating that I could not be paid; 19. On 18 August 2020, MAJ Jessica Aguilar (former second line supervisor) sent me demanding and harassing emails that I provide accountability data for my one day of telework; 20. On 3 August 2020, MAJ Jessica Aguilar (former second line supervisor) continued to manufacture emails and text messages, finding faults in my work, giving me unrealistic work time expectations, denying leave requests, and poor performance appraisal to substantiate reasons to remove me from Federal service; 21. On 3 August 2020, MAJ Jessica Aguilar (former second line supervisor) bullied and harassed you for requesting sick leave for myself and to take care of a family member and insinuating that I do not understand Federal leave policies; 22. On 13 July 2020, MAJ Jessica Aguilar (former second line supervisor) issued me two counseling statements; 23. On 13 July 2020, MAJ Jessica Aguilar (former second line supervisor), placed you in AWOL status due to not furnishing medical slip upon returning to work; 24. CPT Mallory Reeves (former first line supervisor), MAJ Jessica Aguilar (former second line supervisor), CPT Nicholas Lawson (second line supervisor), and Hannah Pye (first line supervisor) were conspiring against me in an effort to remove me from Federal service, and continue to harass and scrutinize my behavior and work performance daily.

I was discriminated against on the basis of race, color, sex, age, disability, mental and physical and retaliated against for engaging in a protective activities, see attached claims and description of claims, issues, see affidavit attached and the claims accepted by agency and filed with the EEOC for a hearing, which EEOC denied my hearing. see attached claims.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

Yes, on about May 2, 2021

B. The Equal Employment Opportunity Commission *(check one):*

has not issued a Notice of Right to Sue letter.
 issued a Notice of Right to Sue letter, which I received on (date) December 16, 2024.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one):*

60 days or more have elapsed.
 less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Compensatory damages,
2. \$300,000 for pay and sufferin emotional distress
- 3, punitive damages up tp \$100,000,000
- 4,Non perculiar damages \$300,000
- 5,pack pay
- 6, reinstate leave
7. Attorenay fees , legal expenses, filing fees and cost

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/12/2025

Signature of Plaintiff



Printed Name of Plaintiff

Kenya M. Spencer

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address